

9 FAM Appendix K 300, GUIDELINES FOR REFERRALS

*(TL:VISA-509; 01-13-2003)
(Office of Origin CA/VO/L/R)*

9 FAM 301 Types of Referrals

(TL:VISA-405; 05-10-2002)

There are two types of visa referrals, Class A Referrals and Class B Referrals. Posts must follow certain general guidelines listed below in developing and administering the visa referral system.

9 FAM 302 Class A Referrals

(TL:VISA-509; 01-13-2003)

A Class A Referral is one in which the referring officer specifically recommends that the consular officer issue a visa to the person being referred. In order to qualify for a Class A Referral, persons must be:

(1) In categories which might directly affect U.S. national interests, including high-level post contacts, and influential and prominent figures in the government, professional, business, scientific and academic communities;

(2) In categories which significantly promote public diplomacy efforts of the Mission, which would include other distinguished members of the government, professional, business, scientific, and academic communities who warrant special consideration;

(3) Spouses and minor children of the above; or

(4) In need of urgent medical treatment in the United States or deserve, for other humanitarian considerations, special attention.

9 FAM 303 Class A Ineligibility Criteria

(TL:VISA-405; 05-10-2002)

As a general concept, those who must not be referred include:

(1) Persons who do not meet the guidelines in 9 FAM Appendix K, 302.

(2) Persons referred by outside contacts or staff who are unknown to the referring officer.

(3) Persons who have been previously refused visas and are trying to use the referral system as an appeal process.

9 FAM 304 Class B Referrals

(TL:VISA-411; 05-16-2002)

The Department recognizes that it is often necessary to make, or impossible to refuse to make, a visa referral on behalf of a person who does not meet the national interest test and who may be completely unknown to the referring officer, or in cases where the person meets the general criteria for a Class A Referral but for whom the referring officer does not feel comfortable specifically recommending visa issuance. In such cases, posts may develop and use a parallel referral system (Class B Referrals) which does not waive personal appearance for interview by a consular officer, and neither implies a recommendation nor vouches for the bona fides of the applicant. If a referring officer is aware of a prior refusal, any new information which may overcome the basis for the original refusal should be recorded on the referral form. [See 9 FAM Appendix K, Exhibit II.]

9 FAM 305 Eligibility Criteria for Referring Officers

(TL:VISA-509; 01-13-2003)

a. It shall be up to the Chief of Mission or Principal Officer to decide which Mission elements may make referrals to the consular section.

b. Referrals from authorized sections or agencies must be individually approved by the chief of that section or agency.

c. Only U.S. citizen officers may make referrals. Referrals based on requests made by staff, FSNs, or other non-officer personnel, must be so identified in the referral form.

d. Recommending and referring personnel shall be held accountable for abuse of the referral system. Abuse of the referral system may result in warning, suspension, or loss of referral privileges, depending upon the seriousness of the abuse. In case of flagrant abuse, the case may be referred to DS or DG/HR/ER for appropriate action. The Chief of Mission should be prepared to impose such penalties upon recommendation of the Chief of the Consular Section.

e. The above criteria apply to all units within the consular section, particularly the nonimmigrant and fraud prevention units, as well as to the other elements of the Mission.